

REMARKS

Claims 1 – 34 are pending in the application. Claims 2, 4-8, 11, 16, 18, 20, 22, 23, and 31-33 are objected to as being dependent upon a rejected base claim. Claims 1, 3, 9, 10, 12 – 15, 17, 19, 21, 24-30, and 34 have been rejected under 35 U.S.C. §112, second paragraph; 35 U.S.C. § 102(b); and/or 35 U.S.C. §103(a). Claim 1 has been amended merely for clarity. Support for the amendment may be found in the specification and claims as originally filed. There is no new matter included in the amendments.

35 U.S.C. § 112 Rejections

Claims 30 and 34 has been rejected under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner has rejected claims 30 and 34 for reciting a method for treating neurodegenerative disease using electrofusion of two fusion partners with cell-like membranes brought into contact with each other. Claim 1 has been amended to recite to delete reference to “partners having cell-like membranes” to clarify the claims. Support for the claim amendments can be found in the specification as originally filed, at least at, for example, pages 5, line 30 – page 6, line 9, wherein the specification teaches that fusion partners may be “independent cells”. See also page 7, line 4, which teaches that a fusion partner is “a cell, a liposome or another similar structure.” Thus, it is clear to one of skill in the art that there is relevance to treating disease with the fusion of for example a neuron with another fusion partner. Accordingly, Applicants request the withdrawal of the rejection and allowance of the claim.

35 U.S.C. § 102(b) Rejection

Claims 1, 3, 9, 10, 13, and 17 have been rejected as being anticipated by Chiu et al, Science, 1999, vol. 283, pp. 1892-1895 (Chiu) under 35 U.S.C. §§ 102 (b). Applicants respectfully traverse the rejection.

As amended, the claims are not anticipated by Chiu et al because Chiu et al does not teach or suggest, as asserted by the Examiner is the previous office action, "wherein at least one microelectrode is hollow, and sufficiently small to permit the selective fusion of two fusion partners." Accordingly, Applicants request the withdrawal of the rejection and allowance of the claims.

35 U.S.C. § 103(a) Rejection

Claims 1, 3, 9, 10, 13-15, 17, and 24 have been rejected as being un patentable over Chiu, in view of Prather et al, Tanaka et al, Walters et al, Chang et al, Kranz et al, Steenbakkers, Walker et al, and Heller et al under 35 U.S.C. § 103 (a). Applicants respectfully traverse the rejection.

As amended, the claims are not rendered obvious by Chiu et al because Chiu et al in combination with Prather et al, Tanaka et al, Walters et al, Chang et al, Kranz et al, Steenbakkers, Walker et al, or Heller do not teach or suggest, as asserted by the Examiner is the previous office action, "wherein at least one microelectrode is hollow, and sufficiently small to permit the selective fusion of two fusion partners." Accordingly, Applicants request the withdrawal of the rejection and allowance of the claims.

Accordingly, Applicants request the withdrawal of the rejection and allowance of the claims.

CONCLUSION

In light of the above remarks, Applicants respectfully requests early consideration and allowance of the subject application.

Applicants believe that no additional fees are necessary, however, please charge any additional fees required in connection with the papers transmitted herewith to Deposit Account No. 04-1105.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so.

Respectfully submitted,



Date: January 6, 2006

Stephana E. Patton, Ph.D. (Reg. No. 50,373)
EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, MA 02205
Tel. No. (617) 439-4444
Facsimile: (617) 439-4170

Customer No.: 21874

BOS2_506233.1